Department of Justice Canada | Ministère de la Justice Canada | Canada

SPEECH FOR THE HONOURABLE
MARTIN CAUCHON,
MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS:
BILL C-38

OTTAWA, ONTARIO
4 NOVEMBER 2003

Madam Chair,

I would like to thank the committee for inviting me to speak today. I would also like to congratulate the committee for the work it has accomplished to date-the report it submitted last December was instrumental in the development of the bill before you now.

Madam Chair, Bill C-38 is about bringing Canada's outdated cannabis laws into the 21st century. It is about making the punishment fit the crime. It is about taking a Canadian approach to dealing with drug use. It is about protecting our communities.

Bill C-38 will modify Canada's laws with regard to the possession of small amounts of marijuana and create more severe penalties for large marijuana grow operations.

As part of Canada's Renewed Drug Strategy, Bill C-38 will reform the law to reflect the views of modern Canadians and to encourage the consistent enforcement of marijuana possession offences across the country. Along with this legislation, our Renewed Drug Strategy will address the underlying factors associated with substance abuse, and educate Canadians-particularly our youth-about the risks associated with drug use.

We have heard that cannabis use is on the rise among our young people. I am proud to say that this Government will spend 245 million dollars over five years to improve research and treatment programs and increase enforcement.

The message we are sending is clear: Don't use marijuana. Cannabis is harmful and will remain illegal in Canada.

At the same time, it is also clear that Canadians will no longer accept the potentially permanent stigma of a criminal record as appropriate punishment for the possession of small amounts of cannabis.

Let me give you an example of what's going on right now. In 2001, the police reported approximately 50,000 incidents of cannabis possession. Yet, the police apparently laid charges in only half of those incidents.

Furthermore, we know that hundreds of thousands of ordinary Canadians regularly ignore the law on cannabis possession.

Clearly, our law is not in step with Canadian reality. This begs the question: does it make sense to threaten a young person with jail or the lasting burden of a criminal conviction if they make a bad

choice? Take for instance, the university student who gets caught smoking marijuana. Does it make sense that future employment should be put at risk or that they should be restricted from international travel. I think most people would agree the answer is no.

It is my belief that the current laws aren't working and do not constitute the best use of law enforcement resources.

Bill C-38 will modernise our laws. It will encourage the consistent enforcement of cannabis possession offences across the country, allowing law enforcement officers in both rural and urban jurisdictions to take action with those who break the law-but without the complications and the expense of engaging the criminal justice system.

The new law will also allow the police to devote their resources to the areas where they are most needed.

The Government's goal is to establish a law that works for Canadians. I want this law to be enforced and to be fair and consistent.

As I mentioned earlier, Madam Chair, Bill C-38 is also about protecting our communities by getting tough on large-scale marijuana grow operations. We know that large grow-ops are sometimes located in residential areas and that criminal gangs are often behind these operations. I will not allow our neighbourhoods to be threatened by these operations. With the introduction of Bill C-38, the owners of large marijuana operations will now face increased prison terms of 14 years-double the current maximum.

The proposals before you were not developed in a vacuum. As you know, we have been studying this issue for over 30 years, dating back to the LeDain Commission of the early 1970s. More recently, we heard from the Senate Special Committee on Illegal Drugs, which recommended that the production and sale of cannabis be effectively legalised. But I must be clear on this point: the Government has no plans to legalise marijuana.

Furthermore, the House of Commons committee, that is to say this committee, also tabled a report. Your committee recommended that the possession and cultivation of less than 30 grams of marijuana be decriminalised; in other words, the establishment of alternative penalties. These recommendations should be analysed while taking into consideration the fact that the majority of Canadian citizens do not feel that possession of small quantities of marijuana should result in a criminal record.

We also heard from this committee, which recommended that the possession and cultivation of not more than 30 grams be decriminalised. And we heard from Canadian citizens, the majority of whom feel that convictions for the possession of small amounts of cannabis should not result in criminal penalties.

Madam Chair, prior to tabling this legislation, my officials examined the way in which cannabis possession is dealt with in several European nations, the United States, and Australia.

I must say quite frankly, Madam Chair, that what we are doing here makes sense for Canadians but it also makes sense when we compare ourselves to other countries. Several countries have already adopted alternative penalties to deal with this offence, including ticketing regimes. If anything, Canada is behind the times.

We needn't look farther afield than the United States, where several American states have also introduced similar regimes. In California, for example-a state with a population roughly the size of Canada-possession of up to 28.5 grams of marijuana results in a fine of $100. In New York-a state with 19 million people-possession of up to 25 grams of marijuana is punishable by a fine of $100 for the first offence and $200 for the second.

Now, Madam Chair, I'd like to comment on two remarks that have been made by witnesses and others on the subject of theis bill.

First, there is the issue of drug-impaired driving. This is not a new problem and is, in fact, already a serious crime in the *Criminal Code*.

I recognise that it is difficult for the police to effectively carry out standard field sobriety tests to support drug-impaired prosecutions. Unlike the case of alcohol, there is no consensus among experts on the threshold level at which there is impairment and therefore a risk of impaired-driving. Obviously, the police need appropriate tools to deal with this.

The Department of Justice has just released a consultation paper on this subject that explores a number of operational requirements, such as facilities for drug testing. There are questions that still need to be considered and we are continuing to consult with stakeholders.

Second, some opponents are saying that Canada is becoming a major source of cannabis smuggling into the USA.

The facts say otherwise. Less than 1.5% of the marijuana seized by US customs originates from Canada. You may be interested to know that 4% of the marijuana seized by Canadian customs originates from the US.

Madam Chair, cannabis consumption is a complex issue. It is, first and foremost, a health matter. With the adoption of Bill C-38, marijuana will remain a controlled substance in Canada and offenders will continue to be punished by law.

With Bill C-38, the Government of Canada is taking a modern "root cause" approach to dealing with illegal drugs. We will educate our youth about the dangers associated with drugs, while targeting the real criminals: those who supply the drugs.

Some have said we are moving ahead too quickly. I disagree. We have accumulated a vast amount of knowledge on this issue. This committee has travelled throughout this country and others, and has heard from many witnesses.

If there are proposals that could strengthen the bill, we will consider them. Let's get on with the job of modernising our laws.
Thank you Madam Chair. I am pleased to answer any questions you have.

Date Modified: **2008-04-14**